

GEORGE S. CARDONA  
Acting United States Attorney  
CHRISTINE C. EWELL  
Assistant United States Attorney  
Chief, Criminal Division  
STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section  
MICHELE C. MARCHAND  
Assistant United States Attorney  
California Bar No. 93390  
Asset Forfeiture Section  
U.S. Courthouse, 14<sup>th</sup> Floor  
312 North Spring Street  
Los Angeles, California 90012  
Telephone: (213)894-2727  
Facsimile: (213)894-7177  
E-Mail: Michele.Marchand@usdoj.gov

JS - 6

Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. CV 08-06943-ODW (PLAx)
	)	
Plaintiff,	)	
	)	<b><u>CONSENT JUDGMENT</u></b>
v.	)	
	)	
\$617,342.83 IN BANK FUNDS,	)	
	)	
Defendant.	)	
	)	
RAKSHA PATEL, RASHMIKANT PATEL,	)	
and R.N.R. OILS, INC.,	)	
	)	
Claimants.	)	
	)	

Plaintiff United States of America ("plaintiff") initiated this action by filing a Verified Complaint for Forfeiture ("Complaint") on October 21, 2008. Notice was given and published in accordance with law. Raksha Patel, Rashmikant Patel, and R.N.R. Oils, Inc. ("claimants"), filed timely claims and answers. Claimants maintain that the defendant \$617,342.83

1 in bank funds are revenues of R.N.R. Oils, Inc. of which  
2 claimants Rashmikanth Patel and Raksha Patel at all times were and  
3 are the 100% shareholders.

4 No other claims or answers have been filed, and the time for  
5 filing claims and answers has expired.

6 Plaintiff and claimants have reached an agreement that is  
7 dispositive of this action. Plaintiff and claimants hereby  
8 request that the Court enter this Consent Judgment of Forfeiture.

9 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

10 1. This court has jurisdiction over the parties and the  
11 subject matter of this action.

12 2. Notice of this action has been given in accordance with  
13 law. All potential claimants to the defendant \$617,342.83 in  
14 bank funds other than claimants are deemed to have admitted the  
15 allegations of the Complaint. The allegations set out in the  
16 Complaint are sufficient to establish a basis for forfeiture.

17 3. By consenting to this Judgment, claimants are making no  
18 admission of any kind of any nature, whatsoever, with respect to  
19 the allegations set out in the Complaint. This Consent Judgment  
20 shall have no collateral estoppel or res judicata effect as to  
21 claimants for any purpose except as stated in this Consent  
22 Judgment. Specifically, this Consent Judgment has been arrived  
23 at by mutual, good faith, negotiations between the parties  
24 hereto, is the result of a settlement between the parties and  
25 shall be treated as a settlement agreement to the broadest extent  
26 possible.

27 4. The United States of America shall have judgment as to  
28 \$308,671.41 of the defendant \$617,342.83 in bank funds and all  
interest earned thereon. Such judgment is neither an admission

1 of liability by any or all of the claimants nor shall it serve as  
2 a basis for determining the judgment amount to be a fine or a  
3 penalty. No other person or entity shall have any right, title  
4 or interest in the forfeited bank funds. The United States  
5 Treasury is ordered to dispose of the forfeited bank funds in  
6 accordance with law.

7       5. The United States shall return to claimants the  
8 remaining \$308,671.42 of the defendant bank funds and all  
9 interest earned thereon less any debt owed to the United States,  
10 any agency of the United States, or any other debt which the  
11 United States is authorized to collect pursuant to 18 U.S.C.  
12 § 3716 (the "remainder of the defendant bank funds"). The  
13 remainder of the defendant bank funds shall be returned to  
14 claimants Raksha Patel, Rashmikanth Patel, and R.N.R. Oils, Inc.,  
15 in care of their attorney, David R. Haberbush. Said funds shall  
16 be forwarded by check made payable to "Raksha Patel, Rashmikanth  
17 Patel, and R.N.R. Oils, Inc.," and shall be mailed to David R.  
18 Haberbush, Haberbush & Associates, LLP, 444 West Ocean Boulevard,  
19 Suite 1400, Long Beach, California 90802.

20       6. Claimants hereby release the United States of America,  
21 its agencies, agents, and officers, including employees and  
22 agents of the Department of the Treasury, Internal Revenue  
23 Service, from any and all claims, actions or liabilities arising  
24 out of or related to this action, including, without limitation,  
25 any claim for attorneys' fees, costs or interest which may be  
26 asserted on behalf of claimants, whether pursuant to 28 U.S.C.  
27 § 2465 or otherwise.

1           7.     The Court finds that there was reasonable cause for the  
2 seizure of the defendant bank funds and institution of these  
3 proceedings. This judgment shall be construed as a certificate  
4 of reasonable cause pursuant to 28 U.S.C. § 2465.

5 DATED: \_\_January 7, 2009

6  
7   
8 \_\_\_\_\_  
HONORABLE OTIS D. WRIGHT II  
UNITED STATES DISTRICT JUDGE

9 **Approved as to form and content:**

10 DATED: December \_\_\_\_, 2009

GEORGE S CARDONA  
Acting United States Attorney  
CHRISTINE C. EWELL  
Assistant United States Attorney  
Chief, Criminal Division  
STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section

11  
12  
13  
14  
15 \_\_\_\_\_  
MICHELE C. MARCHAND  
Assistant United States Attorney

16  
17 Attorneys for Plaintiff  
18 United States of America

19 DATED: December \_\_\_\_, 2009

HABERBUSH & ASSOCIATES, LLP  
JARVIS & KRIEGER

20  
21 \_\_\_\_\_  
DAVID R. HABERBUSH  
ELIOT F. KRIEGER

22 Attorneys for Claimants Raksha  
23 Patel, Rashmikant Patel and R.N.R.  
24 Oils, Inc.

25 DATED: December \_\_\_\_, 2009

26 \_\_\_\_\_  
RAKSHA PATEL, Claimant

27 [SIGNATURES CONTINUE ON NEXT PAGE]  
28

1 DATED: December \_\_\_\_\_, 2009

2 \_\_\_\_\_  
3 RASHMIKANT PATEL, Claimant

4 DATED: December \_\_\_\_\_, 2009

5 \_\_\_\_\_  
6 R.N.R. OILS, INC., Claimant  
7 RASHMIKANT PATEL, President  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28